



DONN K. HARMS
12702 VIA CORTINA, SUITE 100
DEL MAR, CA 92014

COPY MAILED

JUN 02 2004

OFFICE OF PETITIONS

In re Application of
Chen Wei
Application No. 10/033,019
Filed: December 27, 2001
Attorney Docket No. 2470-PAT

ON PETITION

This decision concerns the May 19, 2004 petition under 37 CFR 1.137(a) which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-referenced application.

The petition is **GRANTED**.

On July 29, 2003, a final Office action was mailed, setting forth a 3-month shortened statutory reply period.

On September 4, 2003, Applicant filed a proposed amendment which, as indicated in the September 12, 2003 Advisory Action, did not place the application in condition for allowance and was not entered by the Examiner. The advisory action also pointed out that the reply period would remain that set forth in the July 29, 2003 final Office Action.

No further response was filed on or before January 29, 2004, and no extension of time under 37 CFR 1.136(a) was obtained. The application was held abandoned as of October 30, 2003.

The instant petition asserts that a response was submitted by facsimile on November 25, 2003 along with a request for a 1-month extension of time. In support, the petition is accompanied by copies of the purportedly transmitted papers: a request for continued examination (RCE) and an authorization to charge Deposit Account No. 07-1338 the \$385 RCE filing fee (small entity); an amendment as the RCE "submission" required by 37 CFR 1.114; and a request for a 1-month extension of time and an authorization to charge Deposit Account No. 07-1338 the \$55 extension-of-time fee (small entity). In addition, page 1 of this submission bears a November 25, 2003 certificate of transmission by facsimile, indicating that the facsimile was being transmitted to the number "703 872-9303" which is the number provided by the Examiner in the July 29, 2003 final Office Action.

In view of the above, the RCE and the accompanying papers should have been considered timely filed on November 25, 2003, and the application should not have been held abandoned.

The holding of abandonment in this application is hereby withdrawn, and the March 19, 2004 Notice of Abandonment vacated. The petition is thus granted.

Application No. 10/033,019

2

No petition fee is owed. As authorized, the \$55 petition fee intended for the §1.137(a) petition has been credited to Deposit Account No. 07-1338.

The application file is being returned to Technology Center 3700 for continued examination, and for correcting Applicant's name as requested.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.



RC Tang
Petitions Attorney
Office of Petitions